

### REMARKS

Applicant appreciates the detailed examination evidenced by the final Office Action mailed June 1, 2006 (hereinafter "final Office Action"), and the indication that Claim 38 is allowed. Applicant has amended Claims 21, 36 and 42 as suggested in the Office Action, and requests entry of these amendments as they introduce no new matter, raise no new issues and place the claims in form for allowance and/or in better form for consideration upon appeal. Applicant also respectfully requests reconsideration and withdrawal of the rejections of Claims 20, 21, 30-32, 34-37 and 39-42. In the interest of brevity, the remarks that follow address the "Response to Arguments" presented in the final Office Action, and maintains the arguments for patentability presented in Applicant's Amendment filed March 14, 2006 by incorporating those remarks by reference.

The Response to Arguments states:

Ketseoglu patent at col. 3 lines 17-22 where Ketseoglu clearly teaches "The system may comprise a number of "stacked" base stations in a single cell, each operating over a different frequency or using different spreading codes. The ultimate potential user capacity is therefore a function of the number of available frequencies, time slots and codes for a given cell.

Final Office Action, pp. 8 and 9. The cited passage from column 3 of Ketseoglu does not provide the teaching alleged in the final Office Action.

In particular, this passage is the only reference to "stacked" base stations within the entirety of the text of Ketseoglu, and there is nothing in Ketseoglu that specifically explains how this "stacked base station" relates to the frequency reuse scheme shown in the cited FIG. 5 of Ketseoglu. The description of these "stacked base stations" at column 3 does not say anything about different frequency *allocations* for different spreading codes -- the passage merely describes base stations in a single cell "each operating over a different frequency or using different spreading codes." The cited material from column 8, lines 11-14 merely indicates that the *number* of codes may differ from the seven shown in FIG. 5, but does not teach or suggest that different frequency allocations are used for respective codes, and Ketseoglu provides no explanation as to what this material has to do with the "stacked base station" concept that is only sketchily discussed in column 3. Thus, the actual cited material from Ketseoglu does not provide the teachings alleged in final Office Action.

Accordingly, Applicant submits that Ketseoglu does not disclose or suggest, among other things: "allocating cellular radiotelephone frequencies among said plurality of base stations according to a first frequency allocation system for a first one of said spreading codes and according to a second frequency allocation system different from said first frequency allocation system for a second one of said spreading codes," as recited in independent Claim 20; "applying a first frequency reuse pattern for the first spreading code; and applying a second frequency reuse pattern for the second spreading code," as recited in independent Claim 32; "using the frequencies that are allocated among said plurality of base stations such that frequencies are allocated for a first one of said spreading codes according to a first frequency allocation system and are allocated for a second one of said spreading codes according to a second frequency allocation system different from said first frequency allocation system," as recited in independent Claim 36; or "code reuse partitioning circuit operative to allocate frequencies for use in the plurality of cells such that respective different frequency allocations are provided for respective first and second spreading codes used in each of the cells," as recited in independent Claim 39. For at least these reasons, Applicant submits that independent Claims 20, 32, 36 and 39 are patentable, and that dependent Claims 21, 30, 31, 34, 35, 37, 38, and 40-42 are patentable at least by virtue of the patentability of the respective ones of independent Claims 20, 32, 36 and 39 from which they depend. Applicant further submits that several of the dependent claims are also separately patentable for at least the reasons discussed in Applicant's Amendment of March 14, 2006.

#### **Information Disclosure Statement**

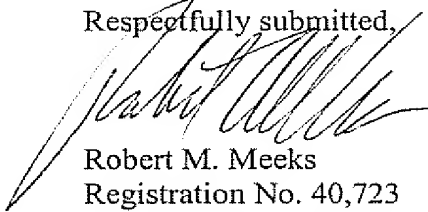
Applicant also notes that the final Office Action includes acknowledgment by the Examiner only of those references cited on page 2 of the Information Disclosure Statement (IDS) submitted January 18, 2001. Applicants respectfully request consideration of the references cited on page 1 of the IDS and return of a copy of the initialed form PTO-1449 indicating such consideration. A copy of the IDS is attached for the Examiner's convenience.

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### CONCLUSION

Applicant submits that the present application is in condition for allowance and the same is earnestly solicited. The Examiner is encouraged to telephone the undersigned at 919-854-1400 for resolution of any outstanding issues.

Respectfully submitted,

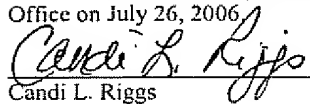


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### CERTIFICATION OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office on July 26, 2006.



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